BRIAN SANDOVAL

Governor

MEMBERS

Jan B. Leggett, Chairman Thomas "Jim" Alexander Kevin E. Burke

> Margaret Cavin Joe Hernandez Kent Lay Guy M. Wells

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING OCTOBER 5, 2016

REPLY TO:

Northern Nevada 9670 Gateway Drive, Suite 100 Reno, Nevada 89521 (775) 688-1141 Fax (775) 688-1271 Investigations (775) 688-1150

www.nscb.nv.gov

Southern Nevada 2310 Corporate Circle Suite 200 Henderson, Nevada 89074 (702) 486-1100 Fax (702) 486-1190 Investigations (702) 486-1110

CALL TO ORDER:

Jonathan Andrews, Esq., called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, **OCTOBER 5, 2016**, State Contractors Board Reno, Nevada. <u>Exhibit A</u> is the Meeting Agenda and <u>Exhibit B</u> is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Jan B. Leggett

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer

Ms. Nancy Mathias, Licensing Administrator

Mr. Paul Rozario, Director of Investigations

Mr. Fred Schoenfeldt, Investigations Supervisor

Ms. Susan Kamesch, Licensing Supervisor, Reno

Ms. Bree Welch, Licensing Supervisor, Henderson

LEGAL COUNSEL PRESENT:

Jonathan Andrews, Legal Counsel Jack Juan, Legal Counsel

The agenda was posted in compliance with the open meeting law **SEPTEMBER 29, 2016** at Reno City Hall, Washoe County Court House, South Valleys Library, Paseo Verde Library, Sawyer State Building, Clark County Library, both offices of the Board, on the Board's Internet Website and the Nevada Public Notice Website.

ADJUDICATING HEARING OFFICER: JAN B. LEGGETT

1. DISCIPLINARY HEARING: CONTINUED FROM AUGUST 4, 2016 and SEPTEMBER 7, 2016 ALTERNATIVE DRILLING COMPANY, LLC, LICENSE NO. 73955

Licensee was not present.

The following Respondent's exhibit was entered:

Exhibit A - Email

Hearing Officer Leggett found the Respondent Alternative Drilling Company, license number 73955 guilty of violating NRS 624.301(4) for willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project or operation with reasonable diligence, thereby causing material injury to another; NRS 624.3012(1) diversion of money or property received for the completion of a specific construction project or operation or for a specified purpose in the completion of any construction project or operation to any other construction project or operation, obligation or purpose; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.302(5) failure or refusal to cooperate in an investigation and NRS 624.3013(3) failure to establish financial responsibility. License number 73955 is revoked. Respondent pay a fine of \$1,000.00 each on the First, Second, Third, Fourth,

Fifth and Sixth Causes of Action for a total fine in the amount of \$6,000.00; reimburse the Board's investigative costs of \$3,649.00 and pay restitution to any and all damaged parties prior to re-licensure.

2. DISCIPLINARY HEARING: DEFAULT HEARING: RENO RENOVATORS, LICENSE NOS. 58141A, 72713

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 - Board's Hearing File

The following Respondent's exhibit was entered:

Exhibit A - September 23, 2016 letter from Attorney

Hearing Officer Leggett found the Respondent guilty of eleven (11) violations of NRS 624.301(1 & 2): (1) by abandoning without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; (2) by abandoning the projects when the percentage of the projects completed were less than the percentage of the total price of the contract paid to the Respondent at the time of abandonment; eleven (11) violations of NRS 624.3012(1) by diverting money or property received for the completion of a specific construction project or operation or for a specified purpose in the completion of any construction project or operation to any other construction project or operation, obligation or purpose and NRS 624.3013(3) by failing to establish financial responsibility. License numbers 58141A and 72713 are revoked.

3. DISCIPLINARY HEARING: CONTINUED FROM AUGUST 10, 2016 SECOND GENERATION BUILDERS, LICENSE NO. 49501

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 - Board's Hearing File

The following Respondent's exhibit was entered:

Exhibit A – Respondent's answer

Hearing Officer Leggett found Respondent guilty of violating NRS 624.3015 (1) by acting in the capacity of a contractor beyond the scope of its C-3 license; NRS 624.3013(5) by failing to notify the owner of their rights related to the recovery fund pursuant to NRS 624.520(1); NRS 624.3013(5) by failing to comply with the provisions of this chapter or regulations of the Board, namely NAC 624.640(6) which requires each licensee to ascertain that each person whose bid on a construction project the licensee considers is appropriately licensed; NRS 624.3013(4) by failing to keep in force a bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board and Respondent violated NRS 624.3013(3) by failing to establish financial responsibility. License number 49501 is revoked. Respondent pay a fine of \$2,000.00 on the First Cause of Action and \$100.00 each for the Second, Third, Fourth and Fifth Causes of Action for a total fine in the amount of \$2,400.00; reimburse the Board's investigative costs of \$2,566.00. Shannon Chandler was removed from this action.

4. FINANCIAL RESPONSIBILITY HEARING-CONTINUED FROM APRIL 6, 2016 & AUGUST 10, 2016: ANDREA TAYLOR, DBA NEW CRETE, LICENSE NO. 52100

Licensee was present with Jefferson Boswell, Esq.

Hearing Officer Leggett continued this matter to December 7, 2016.

5. FINANCIAL RESPONSIBILITY HEARING:

COLLINS LINE BUILDERS ELECTRIC INC DBA, COLLINS POWER SERVICES, LICENSE NO. 38391

Licensee was present.

Hearing Officer Leggett placed this license on inactive status, per the Respondent's request.

6. FINANCIAL RESPONSIBILITY HEARING:

GENOA PEAK ELECTRIC INC., LICENSE NO. 69774

Licensee was not present.

Hearing Officer Leggett found the Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility and NRS 624.302(5) failure to comply with the Board. License number 69774 is suspended. Respondent shall pay a fine of \$750.00 and reimburse the Board's investigative fees in the amount of \$461.98 and provide a current financial statement within sixty (60) days or license number 69774 will automatically be revoked.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Leggett at 9:10a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Jan B. Leggett, Hearing Officer